

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

RICHARD ALEXANDER MURDAUGH,  
SR., CORY FLEMING, MOSS & KUHN,  
P.A., CHAD WESTENDORF, and  
PALMETTO STATE BANK,

Defendants.

Case No. 2:22-cv-1307-RMG

**CONSENT MOTION TO ALTER  
TIME**

This Consent Motion to Alter Time is filed pursuant to Local Civ. Rule 6.01 (D.S.C.) and with the joint consent of Plaintiff Nautilus Insurance Company (“Nautilus”) and Defendants Richard Alexander Murdaugh, Sr. (“Murdaugh”), Cory Fleming (“Fleming”),<sup>1</sup> Moss & Kuhn, P.A. (“M&K”), Chad Westendorf (“Westendorf”), and Palmetto State Bank (“PSB”) (collectively, the “Parties”) for the purpose of requesting an enlargement of the time set forth in this Court’s August 16, 2023 Order for filing a “jointly proposed discovery schedule or, if no agreement can be reached, the respective proposals of the parties.” (ECF No. 155 at 3.)

**LOCAL RULE 6.01 STATEMENT GIVING REASONS THEREFOR**

WHEREAS, on August 15, 2023, this Court held a hearing on various pending motions in this matter, including several discovery motions filed by Nautilus and PSB, during which the Court advised counsel to work on a proposed discovery schedule involving certain discovery;

WHEREAS, in its August 16, 2023 Order, the Court ruled on all outstanding motions and additionally directed the parties meet and confer on a discovery schedule and to “advise the Court

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<sup>1</sup> Counsel for Fleming, Mr. Thomas A. Pendarvis, Esq., provided e-mail “consent on behalf of Cory Fleming to file a consent motion extending time.” The undersigned subsequently circulated a copy of this motion for said counsel’s review and did not receive any objection to its contents.

within 30 days of th[e] Order of their jointly proposed discovery schedule or, if no agreement can be reached, the respective proposals of the parties.” (*Id.*)

WHEREAS, the date of the current deadline is September 15, 2023, and it has never been previously extended;

WHEREAS, given that the prior discovery disputes arose between Nautilus and PSB, they have been actively conferring on their positions with regard to a discovery schedule and all Parties are currently working on scheduling a joint conference next week;

WHEREAS, to ensure that all Parties have an opportunity to fully confer on any proposed discovery schedule as directed by the Court’s Order, the Parties hereby jointly request seven (7) additional days to file a “jointly proposed discovery schedule or, if no agreement can be reached, the respective proposals of the parties the Court,” such that the new deadline would be September 22, 2023.

NOW, THEREFORE, pursuant to Local Civ. Rule 6.01 (D.S.C), and with the joint consent of all Parties, Nautilus respectfully requests that this Honorable Court enter an Order extending the deadline for the filing of a “jointly proposed discovery schedule or, if no agreement can be reached, the respective proposals of the parties.”

[signatures on following page]

**Respectfully submitted:**

This 15th day of September, 2023  
Charleston, South Carolina.

/s/ Clinton T. Magill  
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*COUNSEL FOR PLAINTIFF NAUTILUS INSURANCE COMPANY*

**WE JOIN AND CONSENT:**

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AND

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<p><u>/s/</u><sup>2</sup></p> <p>Thomas A. Pendarvis (Fed. Id. 5785) PENDARVIS LAW OFFICES, P.C. 710 Boundary Street, Suite 1-A Beaufort, SC 29902 843.524.9500 <a href="mailto:Thomas@PendarvisLaw.com">Thomas@PendarvisLaw.com</a></p> <p><i>COUNSEL FOR DEFENDANT CORY FLEMING</i></p>	<p><u>/s/ James W. Clement</u></p> <p>WALKER GRESSETTE &amp; LINTON, LLC Thomas P. Gressette, Jr. (Fed ID# 7261) G. Trenholm Walker (Fed ID# 4487) James W. Clement (Federal ID #12720) 66 Hasell Street, Charleston, SC 29401 P.O. Drawer 22167, Charleston, SC P: (843) 727-2200 <a href="mailto:Gressette@WGLFIRM.com">Gressette@WGLFIRM.com</a> <a href="mailto:Walker@WGLFIRM.com">Walker@WGLFIRM.com</a> <a href="mailto:Clement@WGLFIRM.com">Clement@WGLFIRM.com</a></p> <p><i>COUNSEL FOR DEFENDANT PALMETTO STATE BANK</i></p>
<p><u>/s/Christy Ford Allen</u></p> <p>WILLS MASSALON &amp; ALLEN LLC John A. Massalon (Federal ID #5227) Christy Ford Allen (Federal ID #7549) Post Office Box 859 Charleston, South Carolina 29402 P: (843) 727-1144 <a href="mailto:jmassalon@wmalawfirm.net">jmassalon@wmalawfirm.net</a> <a href="mailto:callen@wmalawfirm.net">callen@wmalawfirm.net</a></p> <p><i>COUNSEL FOR DEFENDANT CHAD WESTENDORF</i></p>	

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<sup>2</sup> See supra 1 n.1.